

Public-Private Partnership (Transparency and Accountability) Bill 2024

Statement of Compatibility

Prepared in accordance with Part 3 of the Human Rights Act 2019 In accordance with section 38 of the Human Rights Act 2019, I, Stephen Andrew, make this statement of compatibility with respect to the Public-Private Partnership (Transparency and Accountability) Bill 2024 (the Bill).

In my opinion, the Bill is compatible with the human rights protected by the Human Rights Act 2019. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

Currently, Queensland does not have any specific legislative framework for Public-Private Partnerships.

This Bill addresses this gap by introducing a legislative framework that places transparency and public accountability at the centre of all Public-Private Partnership (PPP) arrangements in Queensland.

The Bill also aims to increase the amount of information available to taxpayers to promote public trust and ensure that value for money is being achieved.

The Bill also provides a legislative framework compelling public sector entities to provide information on their PPP arrangements, and to enable that information to be published.

The intention is for the information to be published on a government website.

The underlying principle being that as much information as possible about a PPP contract should be made publicly available, and only information which is specifically identified as commercially sensitive by the parties, and justified by the Government, should be excluded.

The bill also allows the Auditor-General to inspect and audit PPP Projects in Queensland and to table the results of his audit reports in Parliament.

The Auditor-General's office may also publish any information (including key contract terms, details on the contract parties, contract price and material variation costs) in its Review of specific PPP arrangements.

The Bill facilitates:

- Openness in private sector dealings by Public Sector Entities;

- Transparency in PPP decision-making processes;
- Promotes public trust; and
- Achieves Value for Money and accountability for outcomes. This Bill is consistent with the objectives of:

- advancing Government priorities;
- achieving value for money; and
- ensuring transparency and accountability for outcomes

APPLICATION OF THE FRAMEWORK

The Framework should be applied when the anticipated Whole of Life Cost to Government (and/or consumers of the service) of procuring the Infrastructure is \$10 million or greater (in present value terms).

In applying this Framework, Public Sector Entities should be mindful of, and comply with Government policies and guidelines, including:

- the Queensland PPP Supporting Guidelines 2015;
- the Queensland Procurement Policy 2023;
- the Queensland Charter for Local Content;
- the Standard Best Practice Industry Conditions; and
- Capital Works Management Framework.

Under the Bill, public sector entities should also ensure that the final PPP project outcome is consistent with the National Competition Rules, the Competition Principles Agreement and the Foreign Investment Review Board.

Human Rights Issue

In my opinion, this Bill does not contravene any human right listed under Part 2, Division 2 and 3 Human Rights Act 2019.

Under Part 2, Division 1, Clause 11 (1) & (2) of the Human Rights Act 2019, only “individuals in Queensland have human rights” and “a corporation does not have human rights”.

The Human Rights Act does, however require public sector entities to act compatibly with human rights.

The Bill does not restrict any individual in Queensland’s civil or political rights, such as freedom of movement, freedom of thought, freedom of expression, property rights, privacy and reputation or recognition and equality before the law.

Conclusion

In my opinion, the Public-Private Partnership (Transparency and Accountability) Bill 2024 is compatible with human rights under the Human Rights Act 2019 because it does not limit a human right.

Stephen Andrew
Member for Mirani